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PATENT



Synda Pixley  
Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hallahan

Group Art Unit: 1636

**Serial No.: 10/689,006**

Examiner: Ketter, James S.

Filed: October 20, 2003

Docket No.: 1242/72

Confirmation No.: 3797

For: PHAGE ANTIBODIES TO RADIATION-INDUCIBLE NEOANTIGENS

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TERMINAL DISCLAIMER PURSUANT TO 37 C.F.R. § 1.321(C) TO  
OBVIATE A DOUBLE PATENTING REJECTION

IDENTIFICATION OF PERSON(S) MAKING THIS DISCLAIMER

I, Arles A. Taylor, Jr., represent that I am an attorney of record.

DISCLAIMER

The owner, Vanderbilt University, of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to reexamination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of any patent issuing from the application forming the basis of the double patenting rejection, U.S. Patent Application Serial No. 10/259,087, as presently shortened by any terminal disclaimer. It is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to any patent that issues from United States Patent Application Serial No. 10/259,087, this agreement to run with any patent granted on the

above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent issuing from the application forming the basis of the double patenting rejection, U.S. Patent Application Serial No. 10/259,087, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The terminal disclaimer fee under 37 C.F.R. §1.20(d) is included herewith.

#### DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayments associated with the filing of this Terminal Disclaimer to Deposit Account Number 50-0426.

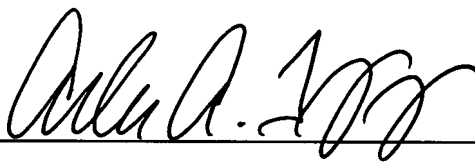
Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date:

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By:



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